Supreme Court, U. S.
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In the Supreme Court of the United States.

OCTOBER TERM, 1976.

No. 76-1062

WILLIAM L. O'BRIEN ET AL.,
PETITIONERS,

v.

ROBERT J. DiGRAZIA,
RESPONDENT.

Petition for a Writ of Certiorari to the United States Court of Appeals for the First Circuit.

FRANK J. McGEE,
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Marshfield, Massachusetts 02050.
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BATEMAN & SLADE, INC. BOSTON, MASSACHUSETTS.

In the
Supreme Court of the United States.

No.

WILLIAM L. O'BRIEN ET AL.,
PETITIONERS

v.

ROBERT J. DiGRAZIA,
RESPONDENT

Motion for Leave to File
Petition for Writ of Certiorari.

Now come the petitioners and respectfully move this Court for leave to file the annexed petition for writ of certiorari under § 1254(1) of Title 28, United States Code, directed to the United States Court of Appeals for the First Circuit, to review an order and judgment of that Court entered on November 8, 1976, and more particularly described in the petition, and for such other and further relief as may be just and proper.

Respectfully submitted,
The petitioners, by their attorneys,
LAW OFFICE FRANK J. McGEE,

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Table of Contents.

Opinions below 2

Jurisdiction 2

Questions presented 2

Constitutional provisions involved 3

Statement of the case 3

Reasons for granting the writ 5

I. The opinion of the court below conflicts with this Court's opinion in Griswold v. Connecticut, 381 U.S. 479 (1965) 5

II. The opinion of the court below misapplied the standards set forth by this Court in Gardner v. Broderick, 392 U.S. 273 (1968) 6

III. The opinion of the court below failed to secure to petitioners the due process of law under the Fourteenth Amendment 8

Conclusion 9

Appendices follow page 9

Appendix A: Opinion of United States District Court for the District of Massachusetts 1a

Appendix B: Opinion of United States Court of Appeals for the First Circuit 4a

Appendix C: Financial questionnaire 9a

Table of Authorities Cited.

CASES.

California Bankers Association v. Shultz, 416 U.S. 21 (1974) 6

Gardner v. Broderick, 392 U.S. 273 (1968) 2, 6, 7
Griswold v. Connecticut, 381 U.S. 479 (1965) 2, 5
Roe v. Wade, 410 U.S. 113 (1973) 2, 5, 6
Withrow v. Larkin, 421 U.S. 35 (1975) 8

CONSTITUTIONAL AND STATUTORY PROVISIONS.

United States Constitution
Fourth Amendment 3
Fifth Amendment 2, 3, 6
Fourteenth Amendment 2, 3, 8
28 U.S.C. § 1254(1) 2
42 U.S.C. § 1983 4

MISCELLANEOUS.

Federal Rules of Civil Procedure, Rule 12(b)(6) 4

In the Supreme Court of the United States.

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WILLIAM L. O'BRIEN ET AL.,
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v.

ROBERT J. DiGRAZIA,
RESPONDENT.

Petition for a Writ of Certiorari to the United States Court of Appeals for the First Circuit.

The petitioners, William L. O'Brien, Vincent J. O'Neil and Edward P. Connelly, police patrolmen in the City of Boston, pray that a writ of certiorari issue to review the opinion and judgment of the United States Court of Appeals for the First Circuit, rendered in these proceedings on November 8, 1976.

Opinions Below.

The opinion of the United States Court of Appeals for the First Circuit, as yet unreported, appears at Appendix B, *infra*, pp. 4a-8a. The opinion of the United States District Court for the District of Massachusetts, also unreported, appears at Appendix A, *infra*, pp. 1a-3a.

Jurisdiction.

The judgment of the United States Court of Appeals for the First Circuit (Appendix B, *infra*) was rendered on November 8, 1976. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Questions Presented.

1. Whether the decision of the United States Court of Appeals for the First Circuit, affirming the judgment of the District Court, permitting use of financial questionnaires regarding the petitioners, and their families, by the respondent, and granting respondent's motion to dismiss, violates petitioners' right of privacy set forth in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), and *Roe* v. *Wade*, 410 U.S. 113 (1973).
2. Whether the decision of the United States Court of Appeals violates the petitioners' Fifth Amendment privilege against self-incrimination in light of the standards enunciated by this Court in *Gardner* v. *Broderick*, 392 U.S. 273 (1968).
3. Whether the decision of the United States Court of Appeals denied the petitioners' right to due process of law, guaranteed by the Fourteenth Amendment, in sustaining respondent's dual role in ordering petitioners to answer the financial questionnaires and adjudging their failure to do so.

Constitutional Provisions Involved.

CONSTITUTION OF THE UNITED STATES,
AMENDMENT IV.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

CONSTITUTION OF THE UNITED STATES,
AMENDMENT V.

"No person shall . . . be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. . . ."

CONSTITUTION OF THE UNITED STATES,
AMENDMENT XIV.

"SECTION 1. . . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law. . . ."

Statement of the Case.

The facts in this case are not in dispute. The petitioners are Boston Police patrolmen who, in 1973, were suspended without pay for thirty days by the respondent Boston Police

Commissioner for failure to respond to certain financial questionnaires prepared by the Commissioner's Office (Appendix C, *infra*, pp. 9a-11a). The questionnaires sought information as to all sources of income in 1972 for the officers and their spouses, all substantial assets owned by them or members of their household, and, for the period 1966-1971, an estimate of their expenditures and copies of their federal and state income tax returns. The suspensions followed a hearing at which the Commissioner presided.

Seeking damages, and injunctive and declaratory relief, the petitioners filed an action in the United States District Court for the District of Massachusetts under 42 U.S.C. § 1983 on April 17, 1973, alleging violation of their civil rights. On April 20, the District Court denied the patrolmen's request for a preliminary injunction. In an opinion dated June 2, 1975, the District Court granted the respondent Commissioner's motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6) (Appendix A, *infra*, pp. 1a-3a).

On appeal, the United States Court of Appeals for the First Circuit affirmed the decision of the District Court in an opinion issued November 8, 1976 (Appendix B, *infra*, pp. 4a-8a). In its opinion, the Court of Appeals noted that the District Court was in error in considering the Commissioner's motives for issuing the disputed questionnaires, but that the error was not fatal. The Commissioner had issued the questionnaires to the petitioners when a list of surnames, including the petitioners' surnames, was found in the possession of a man linked to organized crime.

Reasons for Granting the Writ.

I. The Opinion of the Court Below Conflicts with This Court's Opinion in Griswold v. Connecticut, 381 U.S. 479 (1965).

This Court has found broad constitutional support for a right to privacy, for an individual's right to be free from unwarranted governmental intrusion. *Griswold* v. *Connecticut, supra.*

> "Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers 'in any house' in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the 'right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.' The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: 'The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.'" *Id.* at 484.

"In a line of decisions, however, going back perhaps as far as *Union Pacific R. Co.* v. *Botsford*, 141 U.S. 250, 251 (1891), the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution." *Roe, supra*, 410 U.S. at 152.

More recent decisions have confirmed the continuing viability of a right to personal privacy. *Roe* v. *Wade*, 410 U.S. 113 (1973). The Court of Appeals, however, purported to find little personal privacy in financial affairs, finding a similarity between the disputed questionnaires and the petitioners' Internal Revenue Service tax returns. Mr. Justice Powell, however, joined by Justice Blackmun in a concurring opinion in *California Bankers Association* v. *Shultz*, 416 U.S. 21 (1974), has expressly recognized that governmental intrusion into matters of personal finances would, at some point, "implicate legitimate expectations of privacy." *Id.* at 78-79. Moreover, the legitimacy granted to investigation by the Internal Revenue Service into personal finances, backed by the authority of Congress, vastly overshadows justifications claimed on an ad hoc basis for similar investigation by the Police Commissioner.

II. The Opinion of the Court Below Misapplied the Standards Set Forth by this Court in Gardner v. Broderick, 392 U.S. 273 (1968).

In the *Gardner* case, *supra*, this Court defined the limits of protection against self-incrimination afforded by the Fifth Amendment to public employees. Such protection was not available where the employee faced dismissal because he "refused to answer questions *specifically*, *directly*, and *narrowly* relating to the performance of his official duties. . . ." *Id.* at 278 (emphasis added). The Court of Appeals found the questionnaires to fit within those limits, despite the fact that petitioners were asked to account not only for their own finances, but for the financial affairs of their spouses and members of their household as well. Furthermore, the questionnaire asked for information covering a six-year span. The test in *Gardner*, *supra*, is not mere relevancy of the questions to job performance, but a showing of a narrow, direct and specific relationship. In permitting sweeping questions merely upon the "hint of police corruption" (Appendix B, p. p. 8a), the Court of Appeals created a ready-made justification for any financial inquiry by the Commissioner, and eliminated any incentive for the Police Commissioner to observe the *Gardner* limits.

The Court of Appeals seems to have applied a test of relevancy alone to determine the propriety of the Commissioner's questionnaires. The *Gardner* test is designed to ensure that the public employee be accountable only for his own job-related actions. However much the *Gardner* Court reduced the zone of privacy surrounding a police officer's off-duty life, it did not eliminate it. The Commissioner must show a narrow, direct, and specific relationship between his questions and the officer's official duties, not merely that there may be some sort of relationship.

It may be assumed, for purposes of argument, that the finances of an officer's spouse and members of his household are relevant to an inquiry into the patrolman's official conduct. Yet such an inquiry is a violation of the zone of privacy preserved for police officers by the *Gardner* decision. The Commissioner's questionnaires make the officer accountable for the conduct of his wife and the members of his household, who may be adult offspring. The officer is made liable for improprieties that may have been committed by his family, even if the officer himself is ignorant of any such conduct. Conversely, the officer's family and household members lose their privacy rights, even though they may have done nothing wrong, and have had nothing to do with the officer's professional actions.

Even though the incident giving rise to the issuance of the questionnaire occurred in 1972, the Commissioner requested financial information for the prior six years. The decision of

the Court of Appeals found nothing objectionable in the number of years covered by the questionnaire, even though the Commissioner offered no explanation as to the relevance of an officer's financial status in 1966 to an incident arising in 1972. Because the Court of Appeals articulated no standard in this regard, nothing in its decision would prevent the Commissioner from demanding a ten- or fifteen-year financial history, no matter how burdensome to the officer.

III. The Opinion of the Court Below Failed to Secure to Petitioners the Due Process of Law under the Fourteenth Amendment.

The Court of Appeals voiced its approval of the Commissioner's action in ordering the questionnaire, and then presiding over the hearing resulting from petitioners' refusal to fill it out. The Court of Appeals required a showing of actual bias on the part of the Commissioner, but that bias was already present where the Commissioner was asked to examine the legality of his own order at the hearing over which he presided; his decision was a foregone conclusion since he obviously would not have issued the order had he thought it invalid. "Not only is a biased decisionmaker constitutionally unacceptable but 'our system of law has always endeavored to prevent even the probability of unfairness.'" *Withrow* v. *Larkin*, 421 U.S. 35, 47 (1975).

Conclusion.

For these reasons, a writ of certiorari should issue to review the judgment and opinion of the United States Court of Appeals for the First Circuit.

Respectfully submitted,

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Appendix A.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM L. O'BRIEN, ET AL.,
PLAINTIFFS,

v.

CIVIL ACTION
No. 73-1190-S

ROBERT J. DiGRAZIA,
DEFENDANT.

Memorandum and Orders on Defendant's Motion to Dismiss

June 2, 1976

SKINNER, D.J.

This is an action under 42 U.S.C. § 1983 in which the plaintiffs, three Boston policemen, claim that their suspension without pay by the defendant Police Commissioner for failure to complete financial questionnaires violates their civil rights. The questionnaires seek information relative to the policemen's financial condition, including, but not limited to, a listing of all sources of income, copies of federal and state tax returns, bank statements, bank books, deposit slips, brokerage accounts and an itemization of the cost of living for each of the years in question. The questionnaires were submitted by the defendant following his receipt of information that the last names of the plaintiffs were found on a list in the possession of a man known to police to be involved in organized crime.

The Complaint seeks a permanent injunction and a declaration that the action of the defendant is unconstitutional, in violation of plaintiffs' civil rights, and specifically violates their right to privacy. Additionally, plaintiffs claim that the hearing at which they were suspended violated their right to due process of law by virtue of the fact that the defendant diGrazia was not an impartial trier of fact in proceeding to enforce his own order.

Plaintiffs' motion for a preliminary injunction was denied by Chief Judge Caffrey. The matter is presently before me on defendant's motion to dismiss for failure to state a cause of action and for a lack of subject matter jurisdiction.

Exhaustion of state administrative remedies is not generally required in § 1983 actions. *Wishart* v. *McDonald*, 500 F. 2d 1110, (1st Cir. 1974); *Raper* v. *Lucey*, 488 F. 2d 748 (1st Cir. 1973); *Cintron* v. *State Board of Education*, 384 F. Supp. 674 (D.P.R. 1974). The only requirement is that the action be ripe for adjudication in that there must be a definitive administrative or institutional determination before a § 1983 action may arise. *Raper* v. *Lucey*, *supra* at 751, fn. 3.

Plaintiffs in the instant case were suspended without pay for one month for failure to complete their questionnaires. This action was taken following a hearing conducted by the defendant. Thus, plaintiffs present to the Court a controversy ripe for adjudication, even though there are still avenues of appeal open within the state system.

I now turn to defendant's motion to dismiss for failure to state a claim upon which relief can be granted. In *Gardner* v. *Broderick, Police Commissioner of the City of New York, et al.*, 392 U.S. 273 (1968) and *Uniformed Sanitation Men Assn., Inc., et al.* v. *Commissioner of Sanitation of the City of New York, et al.*, 392 U.S. 280 (1968), the Supreme Court established "a procedural formula whereby . . . public officials may now be discharged for refusing to divulge appropriate

information pertinent to the faithful performance of their offices. . . ." *Gardner* v. *Broderick, Police Commissioner of the City of New York, et al., supra,* and *Uniformed Sanitation Men Assn., Inc., et al.* v. *Commissioner of Sanitation of the City of New York, et al., supra,* concurrence of Harlan J., 392 U.S. at 285. The actions of the defendant Police Commissioner in the case at bar fully comply with the Court's decisions in *Gardner* and *Uniformed Sanitation Men Assn.* In accord, *Fahy* v. *Commission to Investigate Allegations of Police Corruption*, 319 N.Y.S. 2d 242 (1971). See also *Broderick* v. *Police Commissioner of Boston*, 75 A.S. 1838, 330 N.E. 2d 199 (1975); *Silverio* v. *Municipal Court of the City of Boston*, 355 Mass. 623 (1969).

Similarly, there is no cause of action for a violation of plaintiffs' right to privacy, *Illinois State Empl. Assoc.* v. *Walker*, 57 Ill. 2d 512, 315 N.E. 2d 9 (1974); *Fritz* v. *Gorton*, 83 Wash. 2d 275, 517 P. 2d 911 (1974), or due process of law. *Withrow* v. *Larkin*, 421 U.S. 35 (1975).

Accordingly, the defendant's motion to dismiss is ALLOWED.

WALTER JAY SKINNER
United States District Judge

Appendix B.

United States Court of Appeals for the First Circuit

No. 76-1292

WILLIAM L. O'BRIEN, ET AL.,
PLAINTIFFS, APPELLANTS,
v.
ROBERT J. DiGRAZIA,
DEFENDANT, APPELLEE.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
[HON. WALTER JAY SKINNER, *U.S. District Judge*]

Before COFFIN, *Chief Judge*,
McENTEE and CAMPBELL, *Circuit Judges*.

Frank J. McGee on brief for appellants.
Lawrence J. Ball, Special Assistant Corporation Counsel, and *Michael DeMarco*, Counsel to the Police Commissioner, on brief for appellee.

November 8, 1976

COFFIN, *Chief Judge*. The district court allowed the defendant's motion to dismiss for failure to state a claim and the plaintiffs appealed. Fed. R. Civ. Pro. 12(b)(6). Given this posture of the case, we accept as true all material allegations in the complaint. *Robinson* v. *Stanley Home Prods. Co.*, 272 F.2d 601 (1st Cir. 1959); 2A Moore's Federal Practice ¶ 12.08 (1975). Those facts may be simply stated. The plaintiffs are patrolmen in the Boston Police Department; the defendant is the Police Commissioner. In 1973, the Commissioner ordered the plaintiffs to complete a financial

questionnaire, listing all sources of income in 1972 for themselves and their spouses, all significant assets held by them and any members of their households, and, for the years 1966 through 1971; a general estimate of their expenditures and copies of their state and federal income tax returns.[1] The plaintiffs refused to supply this information. The Commissioner held a hearing and suspended them without pay for thirty days. The patrolmen now seek damages, an injunction, and declaratory relief. The gist of their claim is that these events violated "the constitutional and civil rights of the plaintiffs". They refer specifically to the Fourth, Fifth, Seventh, and Fourteenth Amendments, and to the "right of privacy".

In evaluating this complaint, the district court relied on one further fact, that the Commissioner demanded this financial information only after he was given cause to suspect the patrolmen's integrity; their names were apparently found on a list in the possession of a man known to be involved in organized crime. While the reasons behind the Commissioner's order are relevant, the court erred in considering them, for they are not set out in the complaint, and this was a motion to dismiss for failure to state a claim.[2] *See Costen* v. *Pauline's Sportswear, Inc.*, 391 F.2d 81, 85 n. 5 (9th Cir. 1968); *Erlich* v. *Glasner*, 374 F.2d 681 (9th Cir. 1967). But the court's decision should not be set aside if its dismissal of the case can be justified without reference to the Commissioner's reasons. *Cf. O'Brien* v. *Moriarty*, 489 F.2d 941 (1st Cir. 1974).

[1] The questionnaire is attached to, and we treat it as part of, the complaint. *See Mengel Co.* v. *Nashville Paper Prods. & Specialty Workers Union, No. 153*, 221 F.2d 644, 647 (6th Cir. 1955).

[2] Undisputed facts outside the complaint may of course be considered if the motion to dismiss is treated as one for summary judgment. 5 Wright & Miller, Federal Practice and Procedure § 1366 (1969). But this route was not followed by the court below, nor was it suggested by the defendants on appeal. *Cf. T.M.T. Trailer Ferry, Inc.* v. *Union de Tronquistas de Puerto Rico, Local 901*, 453 F.2d 1171 (1st Cir. 1971).

The plaintiffs attack the financial questionnaire as an invasion of their privacy. In appealing to a broad constitutional "right of privacy", the plaintiffs seek a shelter of more limited parameters than the commodious label suggests. The Supreme Court in its occasions to deal with the concept of privacy has seemed to refer to autonomy. *See, e.g., Roe* v. *Wade,* 410 U.S. 113 (1973); *Griswold* v. *Connecticut,* 381 U.S. 479 (1965); Henkin, *Privacy and Autonomy* 74 Colum. L. Rev. 1410 (1974). And even autonomy has been protected only within a limited sphere: "matters relating to marriage, procreation, contraception, family relationships, and child-rearing and education." *Paul* v. *Davis,* 424 U.S. 693, 713 (1976). *See also Kelley* v. *Johnson,* —— U.S. —— [slip opn. at 6] (April 5, 1976); *Williams* v. *Kleppe,* 539 F.2d 803 (1st Cir. 1976). Privacy in the sense of freedom to withhold personal financial information from the government or the public has received little constitutional protection. *See, e.g., Fritz* v. *Gorton,* 83 Wash. 2d 275, 517 P.2d 911 (1974) (rejecting an elected official's attack on forced financial disclosure), *appeal dismissed,* 417 U.S. 902 (1974). *But cf. California Bankers Ass'n* v. *Shultz,* 416 U.S. 21, 78-79 (1974) (Powell, J., concurring); *City of Carmel-by-the-Sea* v. *Young,* 2 Cal.3d 259, 85 Cal. Rptr. 1, 466 P.2d 225 (1970).

This is not to say that there is no constitutional right to guard one's secrets. But the officers in the instant case do not claim that their financial affairs will be broadcast to the public, or even to other government agencies.[3] There is

[3] The Supreme Court has said that a complaint should not be dismissed "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Conley* v. *Gibson,* 355 U.S. 41, 45-46 (1957). But when a plaintiff under 42 U.S.C. § 1983 supplies facts to support his claim, we do not think that *Conley* imposes a duty on the courts to conjure up unpleaded facts that might turn a frivolous claim of unconstitutional official action into a substantial one. *See Hoitt* v. *Vitek,* 497 F.2d 598, 600 n. 1 (1st Cir. 1974); *Aubut* v. *Maine,* 431 F.2d 688 (1st Cir. 1970). We are not holding the pleader to an impossibly high standard; we recognize the policies behind rule 8 and the concept of notice pleading. A plaintiff will not be thrown out of court for failing to plead facts in support of every arcane element of his claim. But when a complaint omits facts that, if they existed, would clearly dominate the case, it seems fair to assume that those facts do not exist.

little doubt that the Internal Revenue Service acted constitutionally in demanding the information supplied on the plaintiffs' tax returns. And society's interest in an honest police force is as strong as its interest in a self-reporting tax system.[4] Assuming for argument's sake that this sort of privacy deserves a special constitutional solicitude, the interests on the Commissioner's side outbalance a patrolman's right to withhold financial information. *Cf. Kelley* v. *Johnson,* —— U.S. —— (1976); *Williams* v. *Kleppe, supra,* 539 F.2d at 803.

Freedom from disclosure is also protected by more specific guarantees of the constitution. But these plaintiffs do not claim that disclosure is being used to punish or deter their exercise of other constitutional rights. *Cf. NAACP* v. *Alabama,* 357 U.S. 449 (1958); *Shelton* v. *Tucker,* 364 U.S. 479 (1960). And even if the Fourth Amendment applies to this sort of intrusion, the Commissioner's order is not so lacking in justification as to be an "unreasonable" invasion of the patrolmen's "legitimate expectation of privacy". *See United States* v. *Miller,* —— U.S. —— [slip opn. at 8-9] (April 21, 1976). *Cf. Fisher* v. *United States,* —— U.S. —— [slip opn. at 7-9] (April 21, 1976). *See generally* Bogomolny, *The Right to Nondisclosure,* 5 Human Rights 153 (1976). The officers also point to their Fifth Amendment privilege against self-incrimination. This privilege is not infringed when public employees are dismissed for failing to answer questions "specifically, directly, and narrowly relating to the performance of their official duties . . . ." *Uniformed Sanitation Men Ass'n, Inc.* v. *Commissioner of*

[4] Even in the absence of any basis for suspicion on the part of the Commissioner, a requirement that police officers reveal their finances to the Commissioner serves the public interest in an honest force.

Sanitation, 392 U.S. 280, 284 (1968); *Gardner* v. *Broderick*, 392 U.S. 273 (1968). And questions about a policeman's finances are "specifically, directly, and narrowly" related to his job. Even a hint of police corruption endangers respect for the law. In order to establish an officer's probity, it may well be necessary to ask, as this questionnaire does, about several years' income and expenses as well as current assets. Information about other members of the officer's household must also be revealed if the questionnaire is to have meaning.

Appellants' second claim is that due process was violated when the Commissioner himself held a hearing to suspend the patrolmen for disobeying his order. This, they believe, was an unlawful combination of functions, conducive to bias. Any *per se* rule seems foreclosed by *Withrow* v. *Larkin*, 421 U.S. 35 (1975), which declared that claims of this sort must overcome a presumption that state administrators are fair and honest: the court must be convinced of a "risk of actual bias". *Id.* at 47. Appellants argue that *Withrow* does not control here because the Commissioner, rather than investigating conduct before judging it, "performed conduct which he then adjudged". Appellants seem to be advancing an unrealistically compartmentalized view of an administrator's job. *See generally Hortonville Joint School Dist. No. 1* v. *Hortonville Education Ass'n*, —— U.S. —— (June 17, 1976). Without evidence of bias, the Commissioner can constitutionally enforce his own orders by suspending those who disobey them.

Affirmed.

Appendix C.

Questions

1. Name, rank, and date of appointment.
2. Social Security numbers of you and your spouse.
3. Marital status and year of marriage, if married.
4. Number and age of your children, if any.
5. List all sources of income to you and your spouse during the calendar year 1972, including the following where appropriate:

Police salary
Other Police income (court time, overtime, details)
Bank and bond interest
Dividends
Real estate rents (give details)
Business income
Sale or exchange of real property
Sale or exchange of other property
Other sources (give details.)

6. Attach to this questionnaire a xerox or other photostatic copy of your Federal and Massachusetts state income tax returns for 1966, 1967, 1968, 1969, 1970, and 1971. If your date of appointment is later than 1965, do not attach any tax return for any year prior to your appointment. If you no longer have a copy of any return requested, a copy of your return is available from appropriate Federal and State authorities on your request.
7. Attach to this questionnaire a xerox or other photostatic copy of all bank statements, bank books, and deposit slips for the same years required by question #6, and also 1972.

8. Attach to this questionnaire a xerox or other photostatic copy of all brokerage accounts, deposit slips and statements for the same years required by question #7.

9. If you or any other member of your household has, during the same years required by question #7, maintained a safe deposit box, give the following information:

Name of lessee
Location
Person having access
Dates maintained

10. Itemize all assets in excess of $500 owned by you or any other member of your household during the years required by question #7, including, if any:

Airplane
Automobile
Boat
Jewelry, silver, or furs
Real Estate
Stocks or bonds

State the approximate value of each asset you list, including year of purchase and of sale if not still owned.

11. Without going into detail, approximate your cost of living for each of the years required by question #8, including, if appropriate:

Mortgage
Insurance premiums
Other debts

Educational expenses
Judgments against you
Medical expenses
Charitable contributions
Campaign contributions, including date, amount and name of candidate
Other expenses

12. Other information, if any, concerning your financial situation during the years required by question #8 which you believe the Board should know in connection with its inquiry but which is not covered by the previous questions.

I certify, under pain of disciplinary action by the Police Commissioner pursuant to the Rules and Regulations of the Boston Police Department, that the foregoing answers are true and complete to the best of my ability.

_____
Signature